

## General Civil and Domestic Relations Case Filing Information Form

 Superior or  State Court of BibbCounty 20-SCCV-091313  
SFL

APR 14, 2020 04:42 PM

## For Clerk Use Only

Date Filed 04-14-2020Case Number 20-SCCV-091313

MM-DD-YYYY

  
 Patricia M. Graves, Clerk of State Court  
Bibb County, Georgia

## Plaintiff(s)

PARKER, WILLIE J., Jr.

Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix

## Defendant(s)

HURTE, JONATHON

Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix

Plaintiff's Attorney Sedghi, RezaBar Number 634077Self-Represented 

Check one case type and, if applicable, one sub-type in one box.

## General Civil Cases

- Automobile Tort
- Civil Appeal
- Contract
- Contempt/Modification/Other
- Post-Judgment
- Garnishment
- General Tort
- Habeas Corpus
- Injunction/Mandamus/Other Writ
- Landlord/Tenant
- Medical Malpractice Tort
- Product Liability Tort
- Real Property
- Restraining Petition
- Other General Civil

## Domestic Relations Cases

- Adoption
- Contempt
  - Non-payment of child support, medical support, or alimony
- Dissolution/Divorce/Separate
- Maintenance/Alimony
- Family Violence Petition
- Modification
  - Custody/Parenting Time/Visitation
  - Paternity/Legitimation
  - Support – IV-D
  - Support – Private (non-IV-D)
  - Other Domestic Relations

- Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number \_\_\_\_\_

Case Number \_\_\_\_\_

- I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

- Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required \_\_\_\_\_

- Do you or your client need any disability accommodations? If so, please describe the accommodation request.

**STATE COURT OF BIBB COUNTY  
STATE OF GEORGIA**

CIVIL ACTION NUMBER 20-SCCV-091313  
PARKER, WILLIE J, Jr.

**PLAINTIFF**

**VS.**

HURTE, JONATHON

**DEFENDANT**

**SUMMONS**

TO: HURTE, JONATHON

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Reza Sedghi  
Reza Sedghi, Esq.  
2870 Vineville Avenue  
Macon, Georgia 31204**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

**This 14th day of April, 2020.**

Clerk of State Court



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Patricia M. Graves, Clerk of State Court  
Bibb County, Georgia

**IN THE STATE COURT OF BIBB COUNTY**

**STATE OF GEORGIA**

  
\_\_\_\_\_  
Patricia M. Graves, Clerk of State Court  
Bibb County, Georgia

**WILLIE J. PARKER, JR.**

vs.

**CIVIL ACTION NO.: \_\_\_\_\_**

**JONATHON HURTE**

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**COMPLAINT FOR DAMAGES**

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COMES NOW, Plaintiff Willie J. Parker, Jr. and files his Complaint for Damages.

Plaintiff files this action in accordance with O.C.G.A. 9-2-61 and states that the former petition filed in the Superior Court of Jones County was not a void suit, that it is such a valid suit as may be renewed under O.C.G.A. 9-2-61. This renewed action is based upon substantially the same cause of action, and that it is not a renewal of a previous action which was dismissed on its merits so that the dismissal would act as a bar to the re-bringing of the



petition.

**Statement of Venue and Jurisdiction**

1.

Defendant Jonathon Hurte is a resident of Charleston, South Carolina. Pursuant to the Georgia Long Arm Statute, Defendant Hurte is subject to the jurisdiction of this Court. Defendant may be served at 64 Maple Street, APT A, Charleston, South Carolina 29403.

2.

Plaintiff is a resident of Bibb County, Georgia.

3.

Venue is proper in State Court of Bibb County.

***Statement of Facts Including Specifications of Negligence Applicable Thereto***

4.

On February 11, 2017, Plaintiff was traveling on Pio Nono Avenue and its intersection of Guy Paine Road in Macon, Bibb County, Georgia when Defendant make a left turn into the path of Plaintiff's vehicle and caused the accident.

5.

Plaintiff shows that the collision described hereinabove was caused when Defendant deviated from the expected standard of care while operating a motor vehicle by committing the following acts of negligence:

- a. For failing to yield, the same being negligence as a matter of law;
- b. In failing to keep a vigilant lookout at the time and place complained of, the same being negligence as a matter of law;
- c. In failing to maintain a proper distance from the vehicle in front of the vehicle driven by him, in violation of O.C.G.A. § 40-6-49(a), the same being negligence as a matter of law;
- d. In failing to have one's vehicle under immediate control, the same being negligence as a matter of law;
- e. In failing to make reasonable and proper observation while driving or reasonable and proper observations were made failing to act on them.
- f. For making an improper turn, the same being negligence as a matter of law;
- g. Defendant was otherwise negligent.

6.

The acts of negligence by Defendant were the proximate cause of the injuries and damages of the Plaintiff as hereinafter alleged.

7.

As a result of the subject collision, Plaintiff suffered physical injuries

8.

Plaintiff has incurred medical expenses directly necessitated for treatment as of the date of the filing of this Complaint.

9.

Plaintiff has suffered both physical and mental pain and suffering, and will continue to do so in the future.

***Demand for Judgment***

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- (a) That summons issue, and that Defendant be required to answer this complaint, as required by law;
- (b) That Plaintiff have and recover from Defendant such sums for actual damages as is proven by the evidence, in the enlightened conscience of the jury, for Plaintiff's past and future medical expenses, past, present and future pain and suffering, emotional distress, loss wages and out of pocket expenses;
- (c) For trial by jury as to all issues triable by a jury; and
- (e) For such other and further relief as the Court deems just,

Respectfully submitted, 14<sup>th</sup> day of April, 2020.

/s/ Reza Sedghi  
REZA SEDGHI  
Attorney for Plaintiff  
Georgia Bar No. 634077

2870 Vineville Ave  
Macon, Georgia 31204  
(478) 741-3770 office  
(478) 741-3771 facsimile  
[www.sedghilaw@gmail.com](mailto:www.sedghilaw@gmail.com)

Civil Action No. \_\_\_\_\_

State Court GEORGIA,

- Filed \_\_\_\_\_

BIBB COUNTY

Attorney's Address: Reza Sedghi

28. 2870 Vine Vale Avenue  
Macon, Georgia 31204

WILLIE DIAKER, JR.

Telephone: (478) 741-3770

VS.

Plaintiff

Name and Address of Party to be Served  
 CT Corporation, Registered Agent for UM Carrier  
 Progressive Mountain Insurance Company  
 289 S Culver Street  
 Lawrenceville, Georgia 30046-4805

JONATHON HURTE

CIVIL  
ACTION  
DOCKET

Defendant

Garnishee

**SHERIFF'S ENTRY OF SERVICE****GARNISHEE**

I have this day served the Garnishee \_\_\_\_\_ by leaving a copy of the within action and summons with \_\_\_\_\_.

**PERSONAL**

I have this day served the Defendant **Complaint** personally with a copy of the within action and summons.

**NOTORIOUS**

I have this day served the Defendant \_\_\_\_\_ by leaving a copy of the action and summons at his most notorious place of abode in this County.

Delivered same into hands of \_\_\_\_\_ described as follows age, about \_\_\_\_\_ years; weight, about \_\_\_\_\_ pounds; height, about \_\_\_\_\_ feet and \_\_\_\_\_ inches, domiciled at the residence of Defendant.

**CORPORATION**

Served the Defendant \_\_\_\_\_ a corporation by leaving a copy of the within action and summons with \_\_\_\_\_ in charge of the office and place of doing business of said Corporation in this County.

**TACK & MAIL**

I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of same in the United State Mail, First Class in an envelope properly addressed to the defendant(s) at the address in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

NON-EST

Diligent search made and defendant \_\_\_\_\_  
 not to be found in the jurisdiction of this Court.

This Friday of April, 2020.

BY:

L. C., SOLO

DOCKET \_\_\_\_\_ PAGE \_\_\_\_\_

DEPUTY SHERIFF

COUNTY, GEORGIA

ORIGINAL TO CLERK - ONE COPY TO PLAINTIFF - ONE COPY TO DEFENDANT



**Service of Process  
Transmittal**

04/24/2020

CT Log Number 537580796

**TO:** Martha Patterson  
PROGRESSIVE CASUALTY INSURANCE COMPANY  
1000 Cobb Place Blvd., Building 300, Suite 330  
Kennesaw, GA 30144

**RE:** **Process Served in Georgia**

**FOR:** Progressive Mountain Insurance Company (Domestic State: OH)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Willie J. Parker, Jr., Pltf. vs. Jonathon Hurte, Dft. // To: Progressive Mountain Insurance Company

**DOCUMENT(S) SERVED:** -

**COURT/AGENCY:** None Specified  
Case # 20SCCV091313

**NATURE OF ACTION:** Insurance Litigation

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Lawrenceville, GA

**DATE AND HOUR OF SERVICE:** By Process Server on 04/24/2020 at 10:47

**JURISDICTION SERVED :** Georgia

**APPEARANCE OR ANSWER DUE:** None Specified

**ATTORNEY(S) / SENDER(S):** None Specified

**ACTION ITEMS:** CT has retained the current log, Retain Date: 04/24/2020, Expected Purge Date: 04/29/2020

Image SOP

Email Notification, Martha Patterson Martha\_A\_Patterson@progressive.com

Email Notification, Craig Nolan Craig\_A\_Nolan@Progressive.com

Email Notification, RENEE BALDWIN renee\_m\_baldwin@progressive.com

Email Notification, JACQUELINE BRYAN jacqueline\_bryan@progressive.com

Email Notification, AMANDA L EPPS amanda\_L\_epps@progressive.com

**SIGNED:** C T Corporation System

**ADDRESS:** 155 Federal St Ste 700  
Boston, MA 02110-1727

**For Questions:** 800-448-5350  
MajorAccountTeam1@wolterskluwer.com

IN THE STATE COURT OF BIBB COUNTY  
STATE OF GEORGIA

WILLIE J. PARKER, JR.

:

Plaintiff,

:

v.

:

JONATHON HURTE,

:

Defendant.

:

CIVIL ACTION FILE NO.  
**20-SCCV-091313**

  
Patricia M. Graves, Clerk of State Court  
Bibb County, Georgia

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**ANSWER OF PROGRESSIVE MOUNTAIN INSURANCE COMPANY**

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COMES NOW Progressive Mountain Insurance Company (hereinafter "Progressive"), served as a purported uninsured/underinsured motorist carrier in the above-referenced matter and timely files its answer to Plaintiff's Complaint as follows:

**FIRST DEFENSE**

Plaintiff's complaint fails to state a claim against Progressive upon which relief can be granted, therefore, Plaintiff's complaint against Progressive should be dismissed.

**SECOND DEFENSE**

Defendant is not an uninsured or underinsured motorist as those terms are defined by applicable statutory language, case law, or policy language. Therefore, Plaintiff's claim against Progressive should be dismissed.

**THIRD DEFENSE**

To the extent Progressive has made medical payments or other payments under coverages to the Plaintiff, in the above captioned action, Progressive hereby claims the right of set off, payment, and/or reduction from any judgment to prevent duplication of benefits and unwarranted double recovery.

**FOURTH DEFENSE**

Plaintiff's alleged injuries and damages are the result of the actions or inactions of a person or persons for whose actions or inactions Progressive is neither liable nor responsible. Therefore, Plaintiff's complaint against Progressive should be denied.

**FIFTH DEFENSE**

Plaintiff's alleged injuries and damages, or at least a portion of them, are the result of conditions which existed prior to the event of which Plaintiff complains and are in no way aggravated, compounded, nor otherwise increased by the event by which Plaintiff complains. Therefore, Plaintiff's complaint against Progressive should be denied.

**SIXTH DEFENSE**

Progressive hereby raises all affirmative defenses available under Georgia law, including but not limited to all defenses listed in O.C.G.A. § 9-11-12(b) and (h) and O.C.G.A. § 9-11-8(c).

**SEVENTH DEFENSE**

Progressive states that this is not a valid renewal action under O.C.G.A. § 9-2-61.

**EIGHTH DEFENSE**

Progressive responds to the separately numbered paragraphs of Plaintiff's complaint as follows:

1.

Progressive is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in the above-referenced paragraph of Plaintiff's Complaint, and therefore, can neither admit nor deny the same.

2.

Progressive is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in the above-referenced paragraph of Plaintiff's Complaint, and therefore, can neither admit nor deny the same.

3.

Progressive is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in the above-referenced paragraph of Plaintiff's Complaint, and therefore, can neither admit nor deny the same.

4.

Progressive is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in the above-referenced paragraph of Plaintiff's Complaint, and therefore, can neither admit nor deny the same.

5.

Progressive is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in the above-referenced paragraph of Plaintiff's Complaint, and therefore, can neither admit nor deny the same.

6.

Progressive is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in the above-referenced paragraph of Plaintiff's Complaint, and therefore, can neither admit nor deny the same.

7.

Progressive is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in the above-referenced paragraph of Plaintiff's Complaint, and therefore, can neither admit nor deny the same.

8.

Progressive is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in the above-referenced paragraph of Plaintiff's Complaint, and therefore, can neither admit nor deny the same.

9.

Progressive is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in the above-referenced paragraph of Plaintiff's Complaint, and therefore, can neither admit nor deny the same.

10.

Any and all allegations of Plaintiff's complaint not specifically admitted or, for want of information or knowledge were neither admitted nor denied, are hereby denied. Progressive denies that it is liable to or responsible to Plaintiff for the injuries and damages as alleged.

WHEREFORE, PROGRESSIVE prays as follows:

- 1) That Plaintiff's Complaint be dismissed;
- 2) That Progressive have a trial by a fair and impartial jury; and
- 3) That Progressive have such other and further relief as this Court deems just and proper.

*SIGNATURES CONTINUE ON FOLLOWING PAGE*

This 23<sup>rd</sup> day of May, 2020.

/s/ Wesley E. Childs  
Wesley E. Childs  
Georgia Bar No.:878909  
*Attorney for Progressive*

OF COUNSEL:  
CHAMBLESS, HIGDON, RICHARDSON,  
KATZ & GRIGGS, LLP  
3920 Arkwright Road – Suite 405  
Post Office Box 18086  
Macon, GA 31209-8086  
478/745-1181  
wchilde@chrkglaw.com

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this day served counsel of record for all parties in the foregoing matter with a copy of the above document by statutory electronic service via PeachCourt, which will generate an electronic service copy by electronic mail to the following counsel of record:

Reza Sedghi, Esq.  
2870 Vineville Avenue  
Macon, GA 31204  
***Attorney for Plaintiff***

Marcia S. Freeman, Esq.  
Ashley L Yagla, Esq.  
Waldon Adelman, Castilla,  
Hiestand & Prout  
900 Circle 75 Parkway  
Atlanta, Georgia 30339  
***Attorneys for Defendant***

This 23<sup>rd</sup> day of May, 2020.

/s/ Wesley E. Childs  
Wesley E. Childs